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ELECTRONICALLY FILED

COM #:

DATE FILED: 8/25/08

BY FAX

August 21, 2008

Hon. Peter K. Leisure, USDC Sr. Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 1910
New York, NY 10007
Attn.: Chambers

MEMO ENDORSED

Fax: 212 805 7913

Re: Bonda v. Talbot / Potamus—ECF Case; Civil Action No.: ⁰⁸ CV 5507 (PKL) (DFE)

Hon. Judge Leisure:

Since the case referenced above was removed to your Court, I have communicated several times with your staff in Chambers. I inquired first about appearing in the matter pending my contemplated application for admission to practice before the United States District Court for the Southern District of New York. I have entered into two stipulations with opposing counsel, extending time to reply to counterclaims and then submitted them to the Court for filing. I then served the reply on opposing counsel and likewise faxed it to Chambers last Friday, August 15, 2008, with a request to see if Chambers would likewise be able to file the reply for me (since I do not yet have an ECF number).

In response, Chambers called on Monday of this week and clarified that I need to file myself. It was suggested to me that I send a letter requesting that the matter be stayed for a reasonable amount of time for my application for admission to be submitted and approved. I have been home sick this week and am back in the office today.

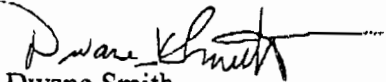
I am writing now to respectfully request that the Court continue this action for a reasonable amount of time, such as 4 – 6 weeks, to allow me to submit the application for admission before the Court. I advised opposing counsel, Ms. Silverstein (who is cc'd on this letter), of these plans on Monday, August 18, 2008, by voicemail and by email. In apprising her of this request for a continuance, I also said that I would seek to continue the already scheduled preliminary conference, calendared for September 4, 2008, along

with the requisite coordination that Ms. Silverstein had previously agreed to engage in as to setting a discovery plan with calendar. Ms. Silverstein reverted by voicemail and by email and did not oppose this request for a continuance pending my admission, but she did bring up the point that she did not wish to consent to extending time for us to coordinate on planning discovery. She wishes that I make it clear to the Court that she does not consent to postponing the preliminary conference scheduled for September 4, 2008.

In light of counsel's response, and since, in my view, it is not actually necessary to postpone the discovery planning or to postpone the conference, I will plan on going ahead with the conference and the planning in advance thereof, unless the Court prefers that the entire matter be continued pending my admission. I am happy to appear for the Conference on September 4, 2008 and to cooperate with opposing counsel tomorrow on Friday, August 22, 2008 or any day next week as to a discovery plan.

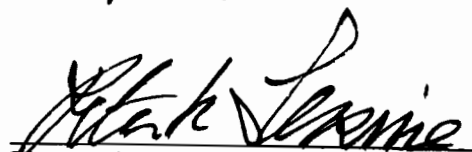
I hereby respectfully make application to the Court to continue this matter for six (6) weeks to allow time for my admission. Accordingly, I respectfully request that the matter be stayed until October 2, 2008, or such other date that the Court deems reasonable, for my application to be made and approved in order for me to appear in this matter on behalf of my clients. Notwithstanding the foregoing request for continuance, unless the Court Orders otherwise, the parties shall continue with preparing for discovery and appear at the preliminary conference scheduled for September 4, 2008. Thank you very much.

Best regards,


Dwane Smith
Dwane Smith PLLC

cc: By Fax: Counsel for Defendants / Counterclaimants,
The Talbot Group, LLC and Potamus Holdings, Inc.
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8/25/08
So Ordered:


Hon. Judge Peter K. Leisure

Mr. Smith has until October 2, 2008 to submit plaintiff's reply to defendants' counterclaims. The parties are to appear for the pre-trial conference scheduled for September 4, 2008.